

Service Date: May 13, 1987

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of the Request of )	UTILITY DIVISION
MOUNTAIN BELL to offer Split )	
Referral Intercept and Customized )	DOCKET NO. 87.3.12
Intercept on a Deregulated Basis. )	ORDER NO. 5268

FINAL ORDER

BACKGROUND

1. On March 16, 1987 Mountain Bell petitioned the Montana Public Service Commission (MPSC) for a determination that two new services, split referral intercept and customized intercept, were not regulated telecommunication services pursuant to the Montana Telecommunication Act, §§69-3-801 - 824, MCA. Split referral intercept provides an operator intercept of a call that is made to a subscribing party's disconnected number. The operator asks the caller who he is calling then provides the subscriber's new number. The service is designed for the situation in which persons previously shared a phone number but discontinued that arrangement, partnerships or marriages for example.

2. Customized intercept service is a recorded message service that enables a subscriber to prepare a message that is repeated to anyone reaching his disconnected number. This service would be offered in conjunction with a number change or disconnection of service.

3. Mountain Bell complied with the procedure established in the Administrative Rules of Montana (ARM) 38.5.2701 through 38.5.2717. Its petition was complete, containing all the information the MPSC requires to determine if a service is deregulated by the Montana Telecommunications Act. As required by ARM 38.5.2706, Mountain Bell notified all persons and entities on the MPSC's telecommunication mailing list of its petition to deregulate

these services.

4. Interested parties have the right to comment on a petition to deregulate a service and may request a hearing. ARM 38.5.2707. The MPSC issued a notice of opportunity for hearing. No requests for hearing were received. The MPSC, at its agenda meeting on April 27, 1987, scheduled a work session for April 28, 1987 to review this matter with MPSC staff.

### FINDINGS OF FACT

5. Pursuant to §69-3-822, MCA, ARM §§38.5.2701 through 38.5.2712 were adopted by the MPSC to implement the Montana Telecommunication Act. Rule 38.5.2702 (1) states:

38.5.2702 DEFINITIONS (1) “Regulated telecommunications service” means two—way switched, voice grade access and transport of communications originating and terminating in this state and nonvoice grade access and transport if intended to be converted to or from voice—grade access and transport including any service, terms, charges or condition associated with or imposed to acquire or maintain regulated telecommunications service. (emphasis added)

6. The Commission finds that split referral intercept and customized intercept are services incidental to a switched service - - they are services associated with maintaining regulated telecommunication services. Basic local service and long distance service are switched. A telephone subscriber’s number is a necessary part of switched service. If calling parties did not have the telephone numbers of others our current telephone system would be placed back to the old operator system of placing all calls. Telephone numbers are an integral part of basic switched telephone services. Only the local service provider, in this case Mountain Bell, can assign them. The provision of telephone numbers is an incidental and necessary part of basic two-way switched services.

7. Split referral intercept is a variation of directory assistance. It provides a telephone number to a caller who dials a disconnected number. This service is integral to the

basic switched service of making a telephone call; only the local service company that provides the switched service can provide the intercept service.

8. Customized intercept service is a variation of the basic intercept service that gives the record that a number is no longer in service. Basic intercept is currently part of the regulated telephone network and offered at no charge. Customized intercept is incidental to a switched service and can only be offered by the company that provides the telephone line that was disconnected.

9. Services that are incidental to switched services and are an integral part of the regulated network continue to be regulated pursuant to the Montana Telecommunications Act.

### CONCLUSIONS OF LAW

1. Mountain Bell furnishes regulated telecommunications service to consumers in Montana and is a public utility under the regulatory jurisdiction of the Montana Public Service Commission. Section 69-3-101, MCA.

2. The Montana Public Service Commission has primary jurisdiction to determine if a service offered by a public utility is regulated under the laws of the state of Montana.

3. Mountain Bell's petition to this Commission to determine the regulatory status of split referral service and customized intercept service was complete and adequate notice was given to interested parties.

4. Under Montana law switched telecommunications services and those incidental to switched services are subject to regulation. Section 69-3-803 (3) , MCA. Split referral service and customized intercept must be offered as regulated services.

5. The Commission finds that both of these services are regulated.

ORDER

1. Mountain Bell's petition to consider split referral intercept and customized intercept as deregulated is DENIED.

ONE AND DATED this 11th day of May, 1987 by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

JOHN B. DRISCOLL, Commissioner

HOWARD L. ELLIS, Commissioner

TOM MONAHAN, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell  
Acting Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision.  
A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.